

IN RE: PETITION FOR ZONING VARIANCE
SW/C Murgate Lane and
Wengate Road
(201 Murgate Lane)
4th Election District
3rd Councilmanic District
Kenneth F. Reeder, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-130-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) on a corner lot in the side yard in lieu of the required 1/3 of the rear yard farthest removed from the side street, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Reeder, appeared and testified. Lou Silverman, an adjoining property, appeared and testified as a Protestant.

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of October, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) on a corner lot in

the side yard in lieu of the required 1/3 of the rear yard farthest removed from the side street, as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 28, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Kenneth F. Reeder
201 Murgate Lane
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
SW/Corner of Murgate Lane and Wengate Road
(201 Murgate Lane)
4th Election District - 3rd Councilmanic District
Kenneth F. Reeder, et ux - Petitioners
Case No. 89-130-A

Dear Mr. & Mrs. Reeder:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs

cc: Mr. Lou Silverman
202 Murgate Lane
Owings Mills, Maryland 21117

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-130-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (pool) on a corner lot in the side yard in lieu of the required 1/3 of rear yard farthest removed from the side street.

To construct an above-ground swimming pool on the side of house do lack of space in back yard.

DATE 10/24/88
TIME 2:00
BY [Signature]

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:
Kenneth F. and Catherine A. Reeder
(Type or Print Name)

Kenneth F. Reeder
Signature

201 Murgate Lane
Address
Owings Mills, Maryland 21117
City and State

Attorney for Petitioner:
(Type or Print Name)

[Signature]
Signature

201 Murgate Lane
Address
Owings Mills, Maryland 21117
City and State

Attorney's Telephone No.: 356-7853

Address 201 Murgate Lane
Phone No. 356-7853

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Kenneth F. and Catherine A. Reeder
201 Murgate Lane
356-7853

Ordered By The Zoning Commissioner of Baltimore County, this 17th day of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held in the County Office Building in Towson, Baltimore County, on the 18th day of October, 1988, at 2:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ZONING DESCRIPTION

Beginning on the west side of Murgate Lane 50 feet wide, at the distance of 50 feet west of the centerline of Murgate Lane. Also designated as Lot 2 Block "O" as shown on plat of "Section Four part of Tollgate" recorded in Baltimore County Maryland in Plat Book C.L.B. 20 Folio 24. Also known as 201 Murgate Lane.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-130-A

District 4th Date of Posting September 23, 1988

Posted for: Variance

Petitioner: Kenneth F. Reeder, et ux

Location of property: SW corner Murgate Lane and Wengate Road

(201 Murgate Lane)

Location of Sign: SW front of 201 Murgate Lane

Remarks: L. J. Grata

Posted by: L. J. Grata Date of return: September 23, 1988

Number of Signs: 1

File
I would like to voice my concern about a notice to put up a pool in my neighborhood. It is case No. 89-130A. I understand the plan right, it is to be put in the side yard to the front of the house, street side. I called previous and was told nothing should extend past the front of the house + this pool will. I also feel that a danger would exist as there is no fence to be put up. I hope you will look into this matter. Thank you. Met. Ave

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 19, 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 11, 1988.

\$58.00
PO# 04201
Rece# M189945. Zeke Orlen

THE JEFFERSONIAN

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 89-130-A
SW/C Murgate Lane and Wengate Road
(201 Murgate Lane)
4th Election District
3rd Councilmanic District
Petitioners:
Kenneth F. Reeder, et ux
Hearing Date: Thursday, Oct. 13, 1988 at 2:00 P.M.
Advertisement to allow an accessory structure (pool) on a corner lot in the side yard in lieu of the required 1/3 of rear yard farthest removed from the side street.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day period permitted. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and presented in the office of the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
7282 Sept. 16

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 19, 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 15, 1988.

\$37.50
PO# 04203
Rece# M189945. Zeke Orlen

THE JEFFERSONIAN

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number: 89-130-A
SW/C Murgate Lane and Wengate Road
(201 Murgate Lane)
4th Election District
3rd Councilmanic District
Petitioners:
Kenneth F. Reeder, et ux
Hearing Date: Thursday, Oct. 13, 1988 at 2:00 P.M.
Advertisement to allow an accessory structure (pool) on a corner lot in the side yard in lieu of the required 1/3 of rear yard farthest removed from the side street.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day period permitted. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and presented in the office of the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
9224 Sept. 16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
D. 10 October 12, 1988
SUBJECT: Zoning Petition Nos. 89-120-A (Valley Ltd.); 89-122-A (C. Weiner); 89-123-A (Christ); 89-127-A (Brown); 89-129-A (Lewis); 89-130-A (Reeder); 89-131-A (Markert); 89-132-A (Sunderland); 89-134-I (Zink)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/ef

RECEIVED ZONING OFFICE
DATE: 10/14/88

RECEIVED
ZONING OFFICE

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-130-A
SAC: Purgate Lane and Wengate Road
(201 Purgate Lane)
4th Election District - 3rd Councilmanic
Petitioner(s): Kenneth F. Reeder, et ux
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 10:00 a.m.

Variance to allow an accessory structure (pool) on a corner lot in the side yard in lieu of the required 1/3 of rear yard farthest removed from the side street.

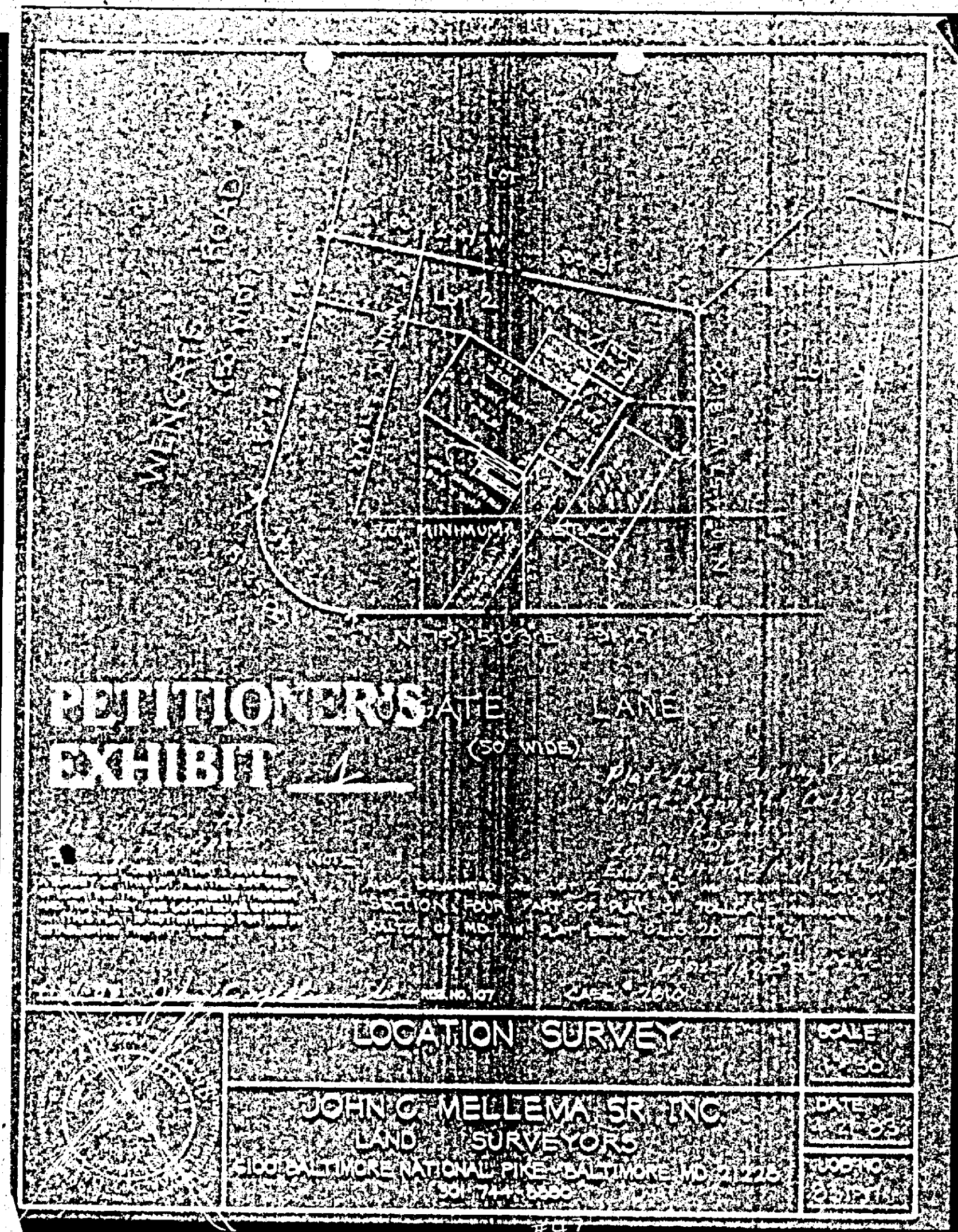
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Reeder
File



Dennis F. Rasmussen
County Executive



Vicinity map

Owings mills

PURGATE LANE

Wengate Road

South Tollgate

Reisterstown Road

#47

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 9/22/88

Mr. & Mrs. Kenneth Reeder
201 Purgate Lane
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
Case Number: 89-130-A

Dear Mr. & Mrs. Reeder:

Please be advised that \$110.50 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059045
DATE: 10/13/88 ACCOUNT: R01-615-000
AMOUNT: \$ 110.50
RECEIVED FROM: Kenneth F. Reeder, et ux
FOR: Posting Signs 10/13/88 Hearing
B C45*****110500089-130-A
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not



Dennis F. Rasmussen
County Executive